

## **Ordinance No. 2022-18**

**An ordinance allowing solar energy systems as accessory uses in all zoning districts and establishing performance standards; amending Minnetonka City Code by adding a new section 315 and amending sections 300.02, 300.17, 300.18, 300.19, 300.20, 300.28, 300.31**

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The City Of Minnetonka Ordains:

Section 1. Section 300.02 of the Minnetonka City Code, relating to definitions, is amended by inserting four new subdivisions, as follows, and by renumbering subsequent subdivisions accordingly:

142. "Solar Energy System" (SES) is a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy, or transferring heat from a collector, to another medium using mechanical, electrical, or chemical means.

143. "Solar Energy System, Ground-Mounted" is a freestanding solar energy system mounted directly to the ground using a rack, pole, or other base.

144. "Solar Energy System, Roof-Mounted" is a solar energy system located on the roof of a building or backside of a parapet wall.

145. "Solar Energy System, Wall-Mounted " is a solar energy system located on the wall of a building.

Section 2. The city clerk is directed to substitute the term "solar energy system" for "solar equipment" wherever the latter phrase appears in Section 300 of the Minnetonka City Code.

Section 3. Section 300.17, subdivision 3 relating to accessory uses in the B-1 Office Business district, is amended to read as follows:

### **3. Accessory Uses.**

Within the B-1 district the following shall be permitted provided they are subordinate to and associated with a permitted use:

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The ~~stricken~~ language is deleted; the single-underlined language is inserted.

- a) receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- b) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13, and the city planner has given approval; and
- c) solar energy systems;
- d) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 4. Section 300.18, subdivision 3 of the Minnetonka City Code, relating to accessory uses in the B-2 Limited Business District, is amended to read as follows:

### **3. Accessory Uses.**

Within the B-2 district the following uses shall be permitted provided they are subordinate to and associated with a permitted use:

- a) storage, assembly or servicing related to a permitted use and occupying no more than 10 percent of the gross floor area of the principal structure;
- b) receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- c) sidewalk sales may be authorized by the city planner, at his or her discretion, up to three times per calendar year so long as they will be held on sidewalks located adjacent to the principal structure, will not block pedestrian or handicapped access, will not block any required parking or drive aisle, will not be located in any required setback area, will be limited to a maximum duration of two days, will use signage no larger than 4 feet by 4 feet per sign at the sale location with all other signage in compliance with city ordinances and upon completion of the sale that the site will be restored and cleaned as necessary. If a permitted sale does not comply with these standards, the city planner may require that it be immediately removed. Decisions of the city planner may be appealed to the planning commission. Cash deposits or other financial security acceptable to the city may be required if deemed necessary based upon the proposal or prior actions concerning the site;

- d) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13, and the city planner has given approval; ~~and~~
- e) solar energy systems; and
- f) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 5. Section 300.19, subdivision 3, relating to accessory uses in the B-3 General Business district, is amended to read as follows:

**3. Accessory Uses.**

Within the B-3 district the following uses shall be permitted provided they are subordinate to and associated with a permitted use:

- a) storage, assembly or servicing related to a permitted use and occupying no more than 25 percent of the gross floor area of the principal structure;
- b) receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- c) sidewalk sales may be authorized by the city planner, at his or her discretion, up to three times per calendar year so long as they will be held on sidewalks located adjacent to the principal structure, will not block pedestrian or handicapped access, will not block any required parking or drive aisle, will not be located in any required setback area, will be limited to a maximum duration of two days, will use signage no larger than 4 feet by 4 feet per sign at the sale location with all other signs at the location in compliance with city ordinances and will restore and clean up the site to its prior condition upon completion of the sale. If a permitted sale does not comply with these standards, the city planner may require that it be immediately removed. Decisions of the city planner may be appealed to the planning commission. Cash deposits or other financial security acceptable to the city may be required if deemed necessary based upon the proposal or prior actions concerning the site;
- d) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13 and the city planner has given approval; ~~and~~
- e) solar energy systems; and
- f) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 6. Section 300.20, subdivision 3, relating to accessory uses in the I-1 Industrial district, is amended to read as follows:

### **3. Accessory Uses.**

Within the I-1 district the following uses are permitted provided they are subordinate to and associated with a permitted use:

- a) living quarters for security personnel, provided they are located within the principal structure;
- b) overnight outside storage of vehicles, provided the vehicles are associated with the business and are screened from view from residential properties or public views;
- c) outside storage, including fuel storage, provided it is screened from general public view;
- d) retail or service uses not exceeding 25 percent of the gross floor area of the principal structure;
- e) overhead utility poles and lines for a distribution line, receive-only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements found in section 300.28, subd. 13; except that utility poles and lines for a distribution line may be taller than 60 feet, but not taller than 80 feet, when needed to cross a major roadway such as a freeway;
- f) evergreen material sales if in compliance with the standards specified in section 300.15; subd. 13, and the city planner has given approval; ~~and~~
- g) solar energy systems; and
- h) other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Section 7. Section 300.28 of the Minnetonka City Code, relating to performance standards for zoning districts, is amended by adding a new subdivision 23 as follows and renumbering subsequent subdivisions accordingly:

### 23. Performance standards for solar energy systems, as outlined in City Code Section 315.16.

Section 8. Section 300.31, subdivision 4(a), relating to permitted uses in the planned I-394 district, is amended by adding a clause as follows:

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The ~~stricken~~ language is deleted; the single-underlined language is inserted.

5) Solar energy systems are permitted as an accessory use within the I-394 district.

Section 8. The Minnetonka City Code is amended by adding a new section 315, as follows:

SECTION 315. PERFORMANCE STANDARDS.

315.01 Exterior lighting. [Reserved.]

315.02. Noise and vibration. [Reserved.]

315.03. Smoke and particulate matter. [Reserved]

315.04. Odor. [Reserved]

315.05. Toxic or noxious matter. [Reserved]

315.06. Radiation. [Reserved]

315.07. Heat and humidity. [Reserved]

315.08. Electromagnetic interference. [Reserved]

315.09. Fire and explosive hazards. [Reserved]

315.10. Liquid or solid waste. [Reserved]

315.11. Satellite dish antennas. [Reserved]

316.12. Sight and vision clearance standards. [Reserved]

317.13. Grading. [Reserved]

315.14 Parking and Loading Requirements. [Reserved]

315.15. Traffic studies. [Reserved]

315.16. Solar Energy Systems.

1. General

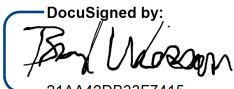
- a) Roof-mounted solar energy systems and wall-mounted solar energy systems must comply with all location, setback, size, and height requirements of its attached structure.
  - b) Ground-mounted solar energy systems must comply with all location, setback, size, and height standards relating to accessory structures in that zoning district. Ground-mounted solar energy system height must be measured from the top of the grade to the highest point of the structure at its maximum designed height.
  - c) Ground-mounted solar energy systems in parking lots within the B-1, B-2, B-3, I-1, PID district, and conditionally permitted uses within residential districts are allowed, but must meet the following:
    - 1) Location: Must follow parking lot setback requirements and may not disrupt parking lot spaces, landscape, or drive aisle requirements.
    - 2) Height: Structures in drive aisles must have a 13.5-foot vehicle clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures located over parking stalls must have a 9-foot clearance and may not exceed 20 feet in height or the height of the principal structure, whichever is less. Structures may not interfere with fire apparatus access (as determined by the city's fire marshal).
    - 3) Design: Solar energy system structures may not be enclosed or have walls.
  - d) Solar Energy Systems collector surfaces must be oriented to not direct glare towards neighboring windows. Where necessary, screening may be required to address glare.
  - e) Solar energy collector devices less than two (2) square foot in area and generally used for garden decoration, exterior accent lighting, lawns, and flagpoles, are exempt from the requirements of this section.
  - f) Accessory solar energy systems installed by a government agency or public utility on light poles, signs, transit shelters, within the public right of way, easements, and city-owned property are exempt from the provisions of this section.
2. Safety
- a) Solar energy systems and all components thereof must meet the minimum manufacturer standards, if any, as required by the Minnesota

State Building Code, including the Plumbing Code, Electrical Code, Energy Code, and Fire Code, as applicable.

- b) Any solar energy system found to be unsafe by the building official or designee must be repaired by the owner to meet all code requirements or removed as directed.
- c) If any solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system will be deemed abandoned and will constitute a public nuisance. The owner must remove the abandoned system at their expense after any required permits have been obtained. Removal includes the entire structure, including transmission equipment and footings.

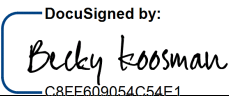
Section 12. This ordinance is effective upon adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on Nov. 14, 2022.

DocuSigned by:  
  
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Brad Wiersum, Mayor

Attest:

DocuSigned by:  
  
C8EE609054C54E1

Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: Oct. 24, 2022

Date of adoption: Nov. 14, 2022

Motion for adoption: Wilburn

Seconded by: Calvert

Voted in favor of: Coakley, Kirk, Schack, Wilburn, Calvert, Schaeppi, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication: Dec. 1, 2022

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Nov. 14, 2022.

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Becky Koosman, City Clerk